

#400274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Oscar D. Sandlin et al.)
Serial No. 10/656,553)
Filed September 6, 2003)
LONG-LASTING SCENTED PAINT AND)
METHOD FOR MAKING SAME)

DECLARATION OF Oscar D. Sandlin

Submitted as a Declaration under 37 C.F.R. 1.131

1. I herewith state my name is Oscar D. Sandlin, one of the named inventors in US Patent Application Serial Number 10/656,553 and a professional painter.
2. After repeated efforts, The Grande Reserve at Geist was unable to rid a rental unit of cigarette smoke smell existing on the walls of the unit.
3. Prior to April 2001, I was experimenting, along with Bill Olman with developing a scented paint. In April 2001, we developed a paint by combining paint ingredients with a powder resulting in a paint with a potpourri scent.
4. The method used in April 2001 of making a long-lasting scented finish paint as claimed in claim 7 of the subject patent application included the steps of: selecting a paint; selecting a suitable solvent; selecting a scenting agent of characteristics such that it would provide continued scent and odor after the paint was applied to a selected surface and allowed to dry, and, mixing or agitating the paint, solvent and scenting agent until thorough dispersion of all ingredients take place. The resultant combination once allowed to dry on the wall provided a lasting scented paint finish.

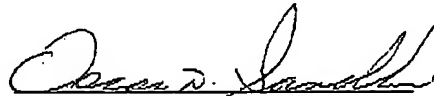
5. I have been particularly cautious in maintaining the confidentiality of my experiments with Bill Oltman in developing a scented paint. Thus, I was particularly careful in not creating any type of paper or documentation detailing my experimentation with Bill Oltman in developing a scented paint. I was concerned that our invention of the scented paint to be disclosed in the subject patent application could be taken without our permission and thus in April 2001, when I developed with Bill Oltman a paint by combining a paint ingredients with a powder resulting in a paint with potpourri scent, I did not document nor maintain any records of either the steps or the results incurred during the development. Further, the existence of the scented paint we developed as well as any details associated therewith was only revealed to people that would readily notice the paint when used to paint a wall.

6. My occupation throughout the year 2001 was as a manufacturing supervisor in an industry other than the paint industry and not as any type of an inventor or an experimenter. Thus, I did not maintain any type of laboratory notes or other documentation regarding my experimentation with Bill Oltman and the development in April 2001 of the method and scented paint disclosed in our subject patent application. All details and results of our experimentation were retained strictly by our personal memory.

7. I was not aware during the year 2001 of the desirability of documenting the actual conception date and production of the method and paint disclosed in the subject patent application. As a result, I do not have any type of documents showing the actual conception or reduction to practice of the invention disclosed in our subject patent application.

I, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of any trademark application or any trademark registration issued thereon.

Dated: 5-17-06


Oscar D. Sandlin